

JOURNAL
OF THE
HOUSE OF TEXAS
TWENTY-FOURTH LEGISLATURE
1895

this act, and to repeal all laws in conflict with this act."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

ALLEN of Dallas, Chairman.

Mr. Martin of Coryell, chairman, submitted the following report:

Committee Room,
Austin, Texas, January 17, 1895.

Hon. T. S. Smith, Speaker of the House: Your committee on Public Printing, to whom was referred a resolution with amendments as to the number of the House Record to be furnished the members daily, have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, for, in our opinion, the number furnished under the present contract with the Public Printer, being five hundred copies daily, is sufficient.

MARTIN of Coryell, Chairman.

On motion of Mr. Henderson, the report was adopted.

Mr. Reiger, chairman, submitted the following report:

Committee Room,
Austin, Texas, January 17, 1895.

Hon. T. S. Smith, Speaker of the House: Your committee on Labor, to whom was referred

House bill No. 47, being a bill to be entitled "An act to protect persons, associations, and unions of working men, incorporated or unincorporated, in their labels, trade-marks, and forms of advertising, and names."

Have the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass, with the following amendment:

Amend by inserting the words "receiver or receivers" after the word "agents" wherever it occurs in the bill.

REIGER, Chairman.

Committee Room,
Austin, Texas, January 17, 1895.

Hon. T. S. Smith, Speaker of the House: Your Committee on Labor, to whom was referred

House bill No. 67 being a bill to be entitled "An act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen and common laborers; to provide a lien, and prescribe the time of payments, and in lawful money of the United States; providing for attorneys' fees in foreclosing such liens and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act."

Have the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass, with the following amendment:

Amend by inserting the words "receiver or receivers" after the word "agents" wherever it occurs in the bill.

REIGER, Chairman.

Mr. McKinney, chairman, submitted the following report:

Committee Room,
Austin, Texas, Jan. 18, 1895.

Hon. T. S. Smith, Speaker of the House: Your Committee on Rules have instructed me to report the following rules of order for the House of Representatives for the Twenty-fourth Legislature, with the recommendation that same be adopted.

MCKINNEY, Chairman.

RULES OF THE HOUSE.

Touching the Duty and Rights of the Speaker.

1. He shall take the chair every day at the hour to which the House shall have last adjourned, and immediately call the members to order. If a quorum be in attendance he shall cause the Journals of the preceding day to be read, which may then be corrected by the House.

2. He shall preserve order and decorum, may speak to points of order in preference to members, rising from his seat for that purpose; he shall decide questions of order, subject to an appeal of the House made by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it while sitting.

4. Questions shall be distinctly put in this form, to wit: "As many of you as are of the opinion that (as the question may be), say aye;" and after the affirmative voice is expressed: "As many as are of a contrary opinion say no." If the Speaker is in doubt, or a division is called for, the House shall divide; those in the affirmative of the question shall rise from their seats and remain standing until the Clerk has numbered them and the number has been announced by the Speaker. Those who vote in the negative are then requested to rise and they are numbered and the number announced. The yeas and nays may be called for before the decision of the Speaker is announced.

5. The Speaker shall have the right to examine and correct the Journal before it is read. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6. In all cases of election by the House the Speaker shall vote; in other cases he shall not be required to vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division the question shall be lost, except on a question of adjournment.

7. All committees and the chairmen of the same shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be elected by the House, and if, upon such vote, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second vote, in which a plurality shall prevail; and in case a

greater number than that required to compose or complete a committee shall have an equal number of votes, the House shall take another vote.

8. All acts, addresses, and joint resolutions shall be signed by the Speaker, as required by the Constitution, and all writs, warrants and subpoenas issued by order of the House shall be under his hand and attested by the Clerk.

9. In case of any disturbance and disorderly conduct in the galleries, the Speaker, or Chairman of the whole House, shall have power to order the same to be cleared.

Rules of Decorum and Debate.

10. When any member is about to speak in debate, or deliver any matter to the House he shall rise from his seat and respectfully address himself to "Mr. Speaker."

11. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House.

12. When two or more members happen to rise at once, the Speaker shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

13. No member shall speak more than twice, either in the House or the Committee of the Whole, on the same question, nor more than half an hour in the House, or one hour in Committee of the Whole, without leave of the House, nor more than once until every member choosing to speak shall have spoken. But the mover of any proposition shall have the right of opening and closing the debate, and in case the proposition comes from any committee, then the member making the report from the committee shall have the right to open and close the debate in like manner.

14. While the yeas and nays are being called, or votes are being counted, no member shall visit the Clerk's table or leave his seat.)

15. No member shall vote on any question in the determination of which he is immediately interested, nor in any case where he was not within the bar of the House when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question: "Were you within the bar when the question was put?"

16. Any member may call for a division of a question when the same will admit of it.

17. Upon a division and count of the House upon any question no member without the bar shall be counted.

18. Every member who is in the

House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him; and any member who is present and shall fail and refuse to vote, after being requested so to do by the Speaker, shall be recorded under the direction of the Speaker, as voting with the minority on the subject or question being voted upon. No member shall be allowed to make any explanation of a vote he is about to give, or asked to be excused from voting after the Clerk under the order of the House shall have commenced calling the yeas and nays.

19. All questions relating to the priority of business shall be decided without debate.

20. There shall be no smoking, eating or cracking nuts allowed in the House during its sitting.

Order of Business for the Day.

21. As soon as the Journal is adopted, the unfinished business of the House, if there be any, shall be disposed of; then the Speaker shall call for petitions and memorials, the petitions and memorials having been presented, shall be disposed of as follows:

1. By motion to reject.
2. To lay on the table.
3. To postpone to a day certain.
4. To commit.
5. To postpone indefinitely.

The order of commitment shall be to:

1. The appropriate standing committee.
2. The committee of Whole House.
3. A select committee.

After memorials and petitions are disposed of, then bills and resolutions shall be in order for one hour if not sooner disposed of, then reports from standing committees shall be called for in regular order, and when made shall go upon the Speaker's table among the orders of the day in their regular order, according to their numbers; then reports from special committees shall be called for, which reports shall be acted upon at the discretion of the House. After petitions, bills, resolutions and reports from committees have been disposed of, the House shall proceed to the order of the day, and the Speaker shall announce the same as follows:

1. Simple resolutions.
2. Messages and executive communications.
3. Messages from the Senate and Senate amendments to House bills or resolutions.
4. Bills on their third reading.
5. Bills on their second reading.
6. Bills on their third reading.

After the business on the Speaker's table has been reached, no new business shall be introduced without leave of the House.

The order of the day shall always have precedence when the hour for considering the same has arrived.

Rules of the House.

22. No bill shall have the force of a law until it has been read on three several

days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

23. After a bill has been considered and defeated by either House of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted upon and defeated, no resolution containing the same substance shall be considered at the same session.

24. A bill may be introduced without motion for leave to bring in a bill.

25. All bills before the House shall be taken up and acted upon in the order in which they are numbered, and it shall be the duty of the Chief Clerk to number every bill in its regular order, upon its first reading: Provided, That local bills shall be considered on Saturday of each week, until disposed of.

26. On the first reading of a bill or joint resolution it shall be referred.

27. Bills, resolutions and other papers referred to committees shall be taken up and acted upon by the committees in the order in which they were referred, and shall be reported back to the House within ten (10) days from the dates of their respective reference, unless the House shall grant a committee additional time for the consideration of a paper referring to it.

28. After a committee has reported on a bill, amendments shall be in order. If no amendments are made, or if those proposed are adopted, then the final question upon the second reading of every bill or resolution originating in the House, and requiring three readings previous to its being passed, shall be whether it shall be engrossed; and bills ordered to be engrossed shall go on the calendar in their regular course.

29. All bills and joint resolutions which have passed their second reading, and are ordered to be engrossed, shall be presented to the House for their third reading, written in a fair, legible hand, without erasures, interlineations, or additions in the margin thereof.

30. When a bill shall have been committed on its third reading, and reported to the House with amendments, it shall take the course of a bill at its second reading, unless the amendments were made in the Committee of the Whole, in which case the House shall immediately proceed to act on the bill; but when a bill has been committed once at its reading it shall not be in order to recommit it again more than once, unless for some special amendment proposed, and then only by consent of two-thirds present: Provided, That this shall not apply to bills committed on third reading and reported to the House with amendments.

31. All bills, when reported favorably by a committee, shall be printed and a copy laid on the desk of each member before the bill is acted on by the House. All other bills, resolutions, reports, memorials and petitions shall be printed on the order of the House.

32. When a bill shall pass it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

Simple Resolutions.

33. When resolutions are called for, the member offering a resolution shall rise in his place and say: "Mr. Speaker, I offer the following resolution." The Speaker shall then say: "The gentleman from _____ offers the following resolution." The resolution will be read. As soon as the Clerk shall have read the same the Speaker shall say: "What order will the House take on the resolution?" If the second reading of the resolution is called for, the Speaker shall say: "Second reading of the resolution is called. If there is no objection the resolution shall be read a second time." If objection be made to the second reading it shall be in order for any member to move for second reading, which, if carried, the resolution shall be read again, and it will then be before the House for amendment, adoption or rejection. If the second reading is not moved the resolution shall lie over until the following day, when it will come up as business on the Speaker's table.

Concurrent Resolutions.

34. Concurrent resolutions shall take the same course as simple resolutions. Concurrent resolutions are defined as those which only require concurrence on the part of the Senate, and do not require the approval of the Governor.

35. No new motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

36. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority or prevailing side to move for a reconsideration thereof, provided it is made on the same day, or the next sitting day, before the order of the day is taken up; and, provided further, that such motion, if made during the last three days of the session, shall be disposed of when made.

37. When the reading of a paper is called for, and the same is objected to by any member, the House shall determine whether said paper shall be read or not.

38. If a pending question be not disposed of, owing to an adjournment of the House, no member who has spoken twice on the subject shall be allowed to speak again without leave.

39. When motions are made for the reference of a subject to a select or standing committee, the question for the reference to a standing committee shall be put first.

40. When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the Chair and read aloud by the Clerk before debated.

41. Every motion shall be reduced to writing if the Speaker or any member desires it.

42. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn by the mover, with the consent of the member who may have seconded the proposition.

43. When a question is under debate no motion shall be received, but—

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a day certain;
5. To commit;
6. To amend; or,
7. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are arranged; provided, no bill shall be tabled until after reference to and report from a committee, and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried shall be considered equivalent to its rejection.

Previous Question.

44. The previous question shall be put in this form: "Shall the main question now be put?" It shall only be admitted when seconded by fifteen (15) members present, and, when carried its effect shall be to put an end to all debate and to bring the House to a direct vote:

1. Upon the pending amendment, and so on back to the first amendment offered.
2. Upon amendments reported by committee, if any.
3. Upon the main question.

45. It shall be in order to move a call of the House after the previous question has been ordered.

46. On motion for the previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. After a call for the previous question has been sustained by the House, the question shall be put and determined as above, without debate on either amendments or the main question, except the mover of the proposition, or the member making the report from the committee shall have the right to close the debate, and no motion to adjourn shall be in order after the previous question is seconded, until the final vote upon the main question shall be taken.

47. A motion for the previous question shall not be laid on the table.

48. The previous question can be applied to motions to postpone to a day certain, or indefinitely, or to commit.

49. In order to be entitled to vote, and to be within the bar of the House, a member must be on the floor of the hall and within the walls enclosing the same, and not outside of any of the doors leading out of the hall, and he must vote from his seat.

50. No person shall be admitted within the bar of the House but members of the Senate, officers of the General Government, the heads of departments and ex-members of the Legislature of this state, and ladies upon the invitation of members.

Call of the House.

51. Any fifteen members (including the Speaker, if there be one,) shall be authorized to compel the attendance of absent members.

Upon a call of the House, whenever all the members shall be present except those excused or absent by authority of the House, the call shall be considered suspended, but until the House is full or the call suspended the Chair will proceed with the regular order of business, but no member shall be permitted to leave the hall until after the subject matter upon which the call was ordered shall be disposed of, without permission of the Speaker, and immediately upon the House being declared full it shall take up the business upon which the call was ordered.

Names to be Called Alphabetically.

52. Upon calls of the House, and upon taking yeas and nays on any question, the names of the members shall be called alphabetically.

Adjournment.

53. A motion to adjourn as hereinbefore provided in Rule 46, and a motion to fix the day to which the House shall adjourn, shall always be in order. These motions and the motion to lie on the table shall be decided without debate.

Rules Suspended or Changed.

54. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion thereof; nor after such notice shall any rule be rescinded or changed except by a vote of two-thirds of the members present; neither shall any rule of the House be suspended, nor the order of business established by the rules of the House be postponed or changed, except by a vote of at least two-thirds of the members present.

Where Rules are Silent.

55. On any question of order or parliamentary practice, where these rules are silent or inexplicit, Jefferson's Manual, or Barclay's or Smith's Digest of Parlia-

mentary Law shall be considered as authority.

Absentees.

56. No member shall absent himself from the sittings of the House without leave, unless in case of sickness; and every member absents himself without leave shall for each day of absence forfeit the pay allowed him by law.

It shall require a two-thirds vote of the members present to excuse absentees, and no member shall be excused upon his own motion.

57. The names of absentees shall appear upon the journals.

Journal.

58. The proceedings of the House, when not acting in Committee of the Whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings, with number of each bill introduced and a synopsis of its contents.

59. Every vote of the House shall be entered on the journal, with concise statement of the question, and a brief statement of the contents of each petition, memorial or paper presented to the House shall also be inserted on the journal.

Sergeant-at-Arms.

60. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings; to have charge of the chamber of the House of Representatives, subordinate to the Speaker, and the committee rooms and offices belonging thereto; to keep the same in order, and to execute the commands of the House from time to time, together with all such process issued by authority thereof as shall be directed to him by the Speaker.

Clerks.

61. The Chief Assistant Clerk shall rise and remain standing whilst reading the documents to the House.

62. The Assistant Clerk of the House shall, in the event of the absence, resignation or death of the Chief Clerk, take charge of and attend to all duties of the office until his successor shall be elected.

63. No extra compensation shall be allowed to any clerk or other officer of the House.

Reporters.

64. Reporters shall be assigned appropriate and convenient seats in the House, by direction of the Speaker.

Witnesses.

65. The rules for paying witnesses summoned to appear before the House, or any of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; and for coming to or going from the place of examination he shall receive actual and necessary expense, and two dollars for each day which is necessarily consumed in going to and returning from said place of examination; but nothing shall be paid for travel-

ing home when the witness was at the place of trial when summoned. The certificate of the chairman of the committee before which a witness is summoned, of the amount due such witness, shall be sufficient authority for the same to be paid.

Committee of the Whole.

66. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

67. Upon bills committed to a Committee of the Whole House the bill shall first be read throughout by the Clerk, and then again be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by a committee and so reported to the House. After report the bill shall again be subject to be debated and amended by clauses before a question to engross be taken.

68. All amendments made to an original motion in Committee of the Whole shall be incorporated with the motion and so reported.

69. In the event that the Committee of the Whole, at any sitting, shall, for want of time, fail to complete the amendments proposed on any bill or resolution under their consideration, or desire to postpone the consideration thereof, it may, on motion made at any time in the committee, rise, report progress and have leave to sit again generally, or at a day certain.

70. All amendments made to a report committed to the Committee of the Whole House shall be noted and reported, as in the case of bills.

71. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it was made or offered.

72. No sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion or proposition for such increase shall first be discussed and voted in a Committee of the Whole House, and so in respect to the time of its continuance.

73. All proceedings touching appropriation of money shall be discussed in the Committee of the Whole House, and no appropriations of money shall be made except by bill.

74. The rules of proceeding in the House shall be observed in committee, so far as the same be applicable.

Standing Committees.

75. Unless otherwise ordered by the House, the Speaker shall appoint the following committees, consisting of the number designated and no addition shall be made to any committee after it has been formed, except upon the suggestion of the Chairman thereof and by a majority of the House, and all proposed legislation

shall be referred to the appropriate committees named in this rule:

1. Judiciary No. 1, 19 members.
2. Judiciary No. 2, 18 members.
3. Constitutional Amendments, 18 members.
4. Internal Improvements, 18 members.
5. State Affairs, 22 members.
6. Finance, 20 members.
7. Education, 18 members.
8. Revenue and Taxation, 18 members.
9. Public Lands and Land Office, 22 members.
10. Public Health and Vital Statistics, 19 members.
11. Commerce and Manufactures, 13 members.
12. County Government and County Finances, 17 members.
13. Privileges and Elections, 15 members.
14. Public Printing, 11 members.
15. Public Buildings and Grounds, 17 members.
16. Roads, Bridges and Ferries, 24 members.
17. Claims and Accounts, 10 members.
18. Examination of Comptroller's and Treasurer's Accounts, 7 members.
19. Private Land Claims, 9 members.
20. Engrossed Bills, 5 members.
21. Enrolled Bills, 5 members.
22. Contingent Expenses, 8 members.
23. Rules (Speaker ex-officio chairman), 5 members.
24. Agricultural Affairs, 19 members.
25. Public Debt, 9 members.
26. State Asylums, 19 members.
27. Judicial Districts, 19 members.
28. Insurance, Statistics and History, 12 members.
29. Federal Relations, 10 members.
30. Stock and Stockraising, 17 members.
31. Counties and County Boundaries, 14 members.
32. Penitentiaries, 23 members.
33. Military Affairs, 9 members.
34. Towns and City Corporations, 14 members.
35. Mining and Minerals, 13 members.
36. Irrigation, 14 members.
37. Labor, 10 members.
38. The Committee on Engrossed Bills, in addition to their duties as such are also Committee on Style, and it shall be their duty to see that all bills passed by the House are correct in style, orthography, punctuation and whatever else it is within the province of the committee to correct.
39. It shall be in order for the Committee on Engrossed Bills and Enrolled Bills to report at any time.
40. No committee shall sit during the time the House is in session without special leave first being granted.
41. A majority of a committee shall constitute a quorum for business, and no report shall be made to the House unless ordered by a majority of such quorum. The views of the minority may be submitted in writing by any member of the committee.
42. As soon as practicable it shall be

the duty of the Chairman or Chairman pro tem., of the different committees to notify the Speaker, in writing, of the time fixed for the meeting of their respective committees, which information the Speaker shall cause to be posted up in a conspicuous place in the Hall as soon as practicable.

§1. If, after due notification, the members of any committee fail to meet at the time and place designated, the Chairman of such committee may instruct the Sergeant-at-Arms to arrest and compel the attendance of unexcused absentees.

Amendments to the Constitution.

All amendments proposed to the Constitution shall be subject to the rules that govern the proceedings in bills, except that they shall, in all cases, be read on three several days, and shall only be passed by a vote of two-thirds of the members elect to the House. (Constitution, Article XVII, Section 1.) When a proposed amendment to the Constitution is under consideration the votes of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental question thereto short of the final question.

§2. The yeas and nays of the members of the House on any question shall, at the desire of any three members present, be called and entered on the journals; provided, when the yeas and nays are called by any three members, it shall be the duty of the Speaker to call for the names of the members calling for the yeas and nays, and have their names entered upon the journal; provided, further, that it shall not be necessary to enter the names of those calling for the yeas and nays on the journals in cases where the Constitution requires the yeas and nays to be called.

On motion of Mr. Gough the report was adopted.

Mr. McKinney, chairman, submitted the following additional report:

Committee Room.

Austin, Texas, Jan. 18, 1895.

Hon. T. S. Smith, Speaker of the House:

Your Committee on Rules have instructed me to report the following Joint Rules of Order for the Senate and House of Representatives of the Twenty-fourth Legislature, with recommendation that same be adopted.

Respectfully submitted,

McKINNEY, Chairman.

On motion of Mr. Henderson, the report was adopted.

Mr. McKinney moved that the new rules reported by the Committee on Rules for the House be printed in the Journal, accompanying the committee report, and the motion prevailed.

Mr. Smith of Brazos asked unanimous consent to withdraw House bill No. 137 for further preparation, and the request was granted.

On motion of Mr. Moore of Morris, the House adjourned until 10 o'clock a. m. tomorrow.